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REST, GAME AND FISH LAWS

AND

FEDERAL LAWS

1915

WARDEN
J. A. VIQUESNEY
Belington

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WEST VIRGINIA

Forest, Game and Fish Laws

AND

Federal Laws

1915

J. A. VIQUESNEY, Warden
BELINGTON

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UNITED MINE WORKERS
TRADES LABOR COUNCIL
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FOREST, GAME AND FISH LAWS

Sec. 1. Forest, Game and Fish Warden—Appointment—Term of office—Removal—Compensation and mileage—Chief deputy wardens—Appointment—Term of office—Compensation and mileage—Deputy wardens—Appointment—Term of office—Compensation—Ex officio deputy wardens—Compensation.

The governor shall between the first day of June and the first day of July, one thousand nine hundred and nine, appoint some person, a citizen of this state, whose term of office shall begin on the first day of July, one thousand nine hundred and nine, to the office of forest, game and fish warden. Said warden shall hold this office for four years and until his successor has been appointed and qualified, unless sooner removed for cause by the governor. He shall receive for his services the sum of eighteen hundred dollars per annum, to be paid out of the treasury, quarterly, after being duly audited; and shall be allowed mileage of three cents a mile while traveling by railroad or steamboat, and ten cents a mile while traveling otherwise than by railroad or steamboat, for the distance necessarily traveled while actually in the discharge of his official duties as such warden. *Provided, however*, that the mileage expenses of said warden shall be reported quarterly

under oath to the governor and approved by him; and *provided, further*, that such mileage expenses shall not, in any one year exceed five hundred dollars. Said warden shall devote all of his time to the discharge of the duties of his office, imposed upon him by law. Said warden shall appoint two persons who are citizens of this state and one of whom shall reside in the eastern section of the state, chief deputy wardens of forest, game and fish, said chief deputies shall hold their office at the pleasure of the warden appointing them. Said chief deputies shall each receive for their services the sum of nine hundred dollars a year, to be paid out of the treasury quarterly after being duly audited, and shall be allowed mileage of three cents a mile while traveling by railroad or steamboat, and ten cents a mile while traveling otherwise than by railroad or steamboat for the distance traveled for the purpose of performing the duties imposed upon them by law, and they shall devote all their time thereto, such mileage expenses of either of said chief deputies shall be reported quarterly under oath to the warden and approved by him, and forwarded to the governor and approved by him; *provided, however*, that said mileage in any one year shall not exceed four hundred dollars to each chief deputy warden. The warden shall appoint such persons as he may deem fit, who are citizens of this state, to act as deputy wardens in the several counties of this state. Said deputy wardens shall hold their office at the pleasure of the forest, game and fish warden. The sheriffs, deputy sheriffs and constables in the several counties of this state shall be *ex-officio* deputy wardens therein, and the chiefs

of police of the cities, towns and villages of this state shall also be *ex-officio* deputy wardens therein and their jurisdiction shall extend no further than their respective counties, cities, towns and villages. All said deputy wardens, either appointed or *ex-officio*, shall receive for their services one-half of the fines imposed by any justice or court having jurisdiction, and collected in each prosecution, instituted by any such deputy warden, and the other half of such fine shall be paid to forest, game and fish warden, who shall pay the same over to the treasurer of the state to be credited by him as other fines are credited; but no fees or moneys shall be paid any deputy for services rendered as such deputy warden, out of the treasury of this state, and in any prosecution under this chapter, section two of chapter thirty-six of the Code of 1899 and section 1159 of the Code of 1906, shall not apply to any warden. (Acts 1909, c. 60, Code 1913, Sec. 3449.)

Sec. 2. Same—General duties—Biennial reports—Examination of books and vouchers by state auditor.

The forest, game and fish warden shall have general charge of the following public matters, and necessary powers therefor. The collection and diffusion of such statistics, literatures and information as he may deem useful in regard to the protection of forests and the protection and propagation of game and fish, the publishing thereof, and the taking charge of and keeping all reports, books, papers and documents which shall, in the discharge of his duties hereunder, come into his possession and control,

and the institution of all proper legal proceedings to enforce the provisions of law, now in force, or hereafter enacted, in reference to forest, game and fish. Said warden shall, on or before the first day of January, 1911, and biennially thereafter, submit to the governor, a detailed report showing what has been done by him during the preceding biennial period, the amount of all moneys received by him and from what sources, in detail, a complete inventory of all game and other property seized and sold and the amount received therefor and the amount of disbursements in detail. The books and vouchers of said warden shall be subject to examination by the auditor of the state at all times. (Acts 1909, c. 60, Code 1913, Sec. 3450.)

Sec. 3. Chief deputy wardens and deputy wardens —General powers and duties—Compromise or settlement of prosecutions—Punishment.

The chief deputy and deputy wardens shall act and be under the direction and supervision of said forest, game and fish warden. Said chief deputy and deputy warden shall have authority, and it shall be their duty, to enforce the game, fish and forest laws of this state, now in force or hereafter enacted for the protection of forests and protection, preservation of game, fish and birds, and shall be immediately responsible to the warden, and shall report all matters under their jurisdiction whenever requested by him and receive instructions from him. It shall be unlawful for any deputy warden, either appointed or ex-officio to settle, compromise or adjust any prosecution under this chapter and to receive moneys from

any violator or alleged violator of any of the provisions thereof, unless the same are moneys received in the payment of fines imposed in due process of law by a justice or court having jurisdiction of the offense charged, and if any such deputy warden shall receive any moneys from any such violator or alleged violator, either as such settlement and compromise or to prevent any prosecution therefor, such deputy warden shall be guilty of a felony and upon conviction thereof, shall be confined in the penitentiary not less than one nor more than five years. (Acts 1909, c. 60, Code 1913, Sec. 3451.)

Sec. 4. Arrests for violations of game, fish or forest laws—Power to make—Neglect to cause offenders to be apprehended—Punishment.

The forest, game and fish warden and appointed deputy wardens shall have full power to execute and serve any warrant or process of law, issued by any justice of the peace or by any court having jurisdiction under the law, relating to game, fish, birds and forests in the same manner as any constable or sheriff might serve or execute such process, and may arrest on sight without a warrant, any person or persons, detected by them actually violating any of the provisions of the laws of this state relating to the game, fish, birds and forests, and may take such person or persons, so offending, before any court, or justice of the peace, having jurisdiction of the offense and make proper complaint before such court, or justice, which shall proceed with the case in the manner as provided by law. Any such appointed warden, who on receiving information from a reliable person

of the violation of the game, fish, or forest laws, neglects or refuses to thoroughly investigate such alleged violation, and apprehend or attempt to apprehend the offender, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than ten dollars nor more than fifty dollars for each offense. (Acts 1909, c. 60, Code 1913, Sec. 3452.)

Sec. 5. Seizure of fish, game or birds.

The warden and deputy wardens shall seize and take possession of, on sight and without process, any fish, game or birds found in the possession of any person or persons, or corporation which is so in possession contrary to law. (Acts 1909, c. 60, Code 1913, Sec. 3453.)

Sec. 6. Bonds of warden and chief deputy wardens.

The forest, game and fish warden and the chief deputy wardens, shall each, before entering upon the discharge of their respective duties, execute a bond in the penalty of three thousand five hundred dollars, with security therein to be approved by the governor, and conditioned for the faithful performance of their duties, and to account for and pay over all moneys and property coming into their hands, due and belonging to the state, and also conditioned according to the requirements of the present law with reference to the carrying of revolvers, which said bonds, after having been approved by the governor, shall be deposited with the auditor. (Acts 1915.)

Sec. 7. Printing, blanks, stationery and postage for warden.

The forest, game and fish warden shall be allowed all necessary printing, printed blanks, stationery and postage; but before he shall incur any expense for printing he shall first make requisition therefor upon the governor, who, in his discretion, approving the same, shall issue his warrant to the warden for said printing, the cost and expenses therefor to be paid out of the treasury. (Acts 1909, c. 60, Code 1913, Sec. 3468.)

Sec. 8. Institution of proceedings for violations of game, fish, bird and forest laws—Employment of attorneys, when.

The forest, game and fish warden and deputy wardens may make complaint and cause preceedings to be instituted against any person, or persons, or corporations, for the violation of any of the game, fish, bird and forest laws without the sanction of the prosecuting attorney of the county wherein such proceedings are instituted; and in all such cases they shall not be required to give security for costs. Any of said officers may also appear in any court of competent jurisdiction in this state, in any case for violation of any of the laws for the protection of forests, or the protection, preservation and propagation of game, fish and birds, and prosecute the same in the manner and with the same authority as the prosecuting attorney of the county in which such proceedings are had. And in such cases they may in the event of the refusal or neglect of the prosecuting attorney to act, employ an attorney of their choice,

and to such attorney, or to the prosecuting attorney if he shall act, there shall be taxed in the costs, upon conviction, a fee of ten dollars in such case. (Acts 1909, c. 60. Code 1913, Sec. 3469.)

Sec. 9. Searches and seizures—Powers and duties of warden and deputy wardens.

The forest, game and fish warden and deputy wardens shall have the power to search any person and examine any boat, vehicle, conveyance, express car, railroad car, fish box, fish basket, game bag or game coat, or any other receptacle in which game, birds or fish could be placed, concealed or conveyed, whenever they have reason to believe that they will secure or discover evidence of a violation of the game and fish laws of this state; and any hindrance or interference, or attempt to hinder or interfere, with such search and examination, shall be prima facie evidence of a violation of the law by the person or persons who hinder or interfere, or attempt to hinder or interfere, with such search and examination. Said officer, or officers, shall, at any and all times, seize and take possession of any and all game, fish, birds, and animals which have been caught, taken or killed at any time, in any manner or for any purpose, or had in possession or under control or have been shipped, contrary to any of the laws of this state, such search and seizure may be made without warrant; and the warden or deputy wardens shall not be liable for false seizure of such birds, game or fish. (Acts 1909, c. 60. Code 1913, Sec. 3470.)

Sec. 10. Same—Issuance of search warrants—Sale of property seized.

That any justice or court having jurisdiction of the offense upon receiving information of probable cause for believing that any game, birds or fish, caught, taken, killed, had in possession, under control, or shipped, contrary to or in violation of any of the laws of this state, shall issue a search warrant, and cause a search to be made in the manner provided by law, in any place, and to that end may cause any buildings, dwelling house, enclosure, or car to be entered forcibly, if necessary, and any apartment, chest, barlocker, refrigerator, crate, basket or package, broken open and the contents thereof examined by the forest, game and fish warden or deputy wardens. All game, fish or birds, seized by any of said officers, shall be sold under the direction of the justice or court before whom the offiense is tried, or search warrant issued, and the proceeds of all sales shall be paid into the treasury of the state. (Acts 1909, c. 60. Code 1913, Sec 3471.)

Sec. 11. Arrests, and searches and seizures.— Summoning aid.

Any of the officers herein, whose duty it is to enforce the game, fish, bird and forest laws of this state, shall have the same right and power as sheriffs to summon aid in making arrests, seizures, or executing any process; and any person, or persons, so summoned, and refusing to act shall be liable, upon conviction, to the same fines and penalties, the same as if summoned by a sheriff. Such arrest may be made on a Sunday, in which case the person, or persons, arrested shall be taken before a justice, having jurisdiction, and proceeded against as soon as may

be on a week day following such arrest. (Acts 1909, c. 60. Code 1913, Sec. 3472.)

Sec. 12. Reports by deputy wardens, ex-officio wardens, county and circuit clerks and justices—Contents.

The appointed deputy wardens shall, on the first of the months of January, April, July and October, of each year make a report under oath to the forest, game and fish warden, which reports shall show in detail the work done by them severally during the three months next preceding. The forest, game and fish warden shall furnish the deputy wardens all necessary blank forms and stationery for making said reports. All such reports shall show an account of the suits commenced, the justice or court before whom such proceedings were had, the number and kinds of game, fish, birds and property seized, and what disposition was made of the same, the amount of proceeds of sale, and the amount of money, if any, received by him for fines imposed, or from any other source provided for by this chapter. All *ex-officio* deputy wardens shall make a report to the forest, game and fish warden on the first day of January, April, July and October of each year if they have instituted any proceedings or collected any moneys under the provisions of this chapter during such preceding three months, and all deputy wardens shall within thirty days after its receipt pay over to the forest, game and fish warden the fines collected by him, and the bonds of all *ex-officio* wardens shall be liable for any such moneys received by them. All justices and clerks of circuit and criminal courts be-

fore whose courts any case under this chapter comes, shall, on the first day of January, April, July and October, of each year, if there has been before this court any case under this chapter, report to the state forest, game and fish warden all moneys collected by him and the status of all cases pending or started in his court. (Acts 1915, regular session.)

Sec. 13. False returns of moneys collected or disbursed—Punishment.

The forest, game and fish warden and deputy wardens, or any other officer who shall make any false return as to moneys collected or disbursed by him, as provided for in this chapter or does not pay over to the proper officer as provided in this chapter, moneys collected by him for fines shall be deemed guilty of a felony, and upon conviction thereof shall be confined in the penitentiary not less than one year nor more than five years. (Acts 1909, c. 60. Code 1913, Sec. 3474.)

Sec. 14. Hindering, obstructing or interfering with warden or deputy wardens—Punishment.

Any person who hinders, obstructs or interferes with, or attempts to hinder, obstruct or intefere with, the forest, game and fish warden and deputy wardens in the discharge of any of their respective duties herein shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than two hundred dollars, together with the costs of the prosecution, and in default of payment thereof shall be confined in the county jail until said fines and costs are paid; *provided, however*, that such imprisonment shall not ex-

ceed ninety days. (Acts 1909, c. 60. Code 1913, Sec. 3475.)

Sec. 15. Title to wild game, fish and birds to be in state.

The ownership of, and the title to, all wild game, wild birds, both resident and migratory, and all fishes in the state of West Virginia, are hereby declared to be in the state, and no such game, birds or fishes, shall be taken or killed in any manner, or at any time, except the person so taking or killing the same shall consent that the title thereto shall be and remain in the state of West Virginia, for the purpose of regulating the use and disposition of the same after such taking or killing. The taking or killing of wild game, birds or fishes, at any time or in any manner or by any person, shall be deemed a consent of such person that the title thereto shall be and remain in the state, for the purpose of regulating the use or disposition of the same. (Acts 1909, c. 60. Code 1913, Sec. 3476.)

Sec. 16. License to hunt—How procured—License fees—To whom paid—Penalty for failure to produce license—Penalties for violation of section—Consent of guardian required for minors.

No person not a citizen of the United States of America shall at any time hunt, pursue, kill or catch any wild animals, or wild birds in this state, or have in his possession fire arms of any kind for such purpose. No person shall, at any time, hunt, pursue, kill or catch any wild animals, or wild birds in this state, without first having secured a license so to do, and then only during the respective periods

when it shall be lawful to hunt such game animals and game birds. Such license shall be procured in the following manner, to-wit: The applicant shall go before the clerk of the county court of the county and fill out a blank application, stating his citizenship, name, age, occupation or profession, weight, height, place and county of residence, color of hair, eyes and complexion; the application shall be subscribed in ink and sworn to by the applicant, that his statements are correct and true to the best of his knowledge and belief, before the county clerk issuing said license; the applicant, if a non-resident of this state, and a citizen of the United States of America, shall pay to said county clerk the sum of sixteen dollars, as a license tax. If the applicant is a *bona fide* resident of this state, and a citizen of the United States of America, he shall make application to the clerk of the county court of the county of which he is such *bona fide* resident, and shall be granted such license free of cost, if he desires to hunt only in such county, but if he desires to hunt in any other or all counties of this state, he shall pay to such clerk a license tax of three dollars, whereupon the clerk shall issue him a hunter's license, entitling him to hunt accordingly; *provided*, that such *bona fide* resident and citizen shall fill out said application and send the same to the county clerk, together with the amount of such license tax, and such clerk shall send him such license. Said license shall be signed by said clerk, and bear the seal of the county court of the county in which same is issued, and shall bear a number according to the serial order in which it was issued, and no fee shall be charged by the said clerk for any services

under this act. All such license taxes shall be paid by the county clerk to the state treasurer on the first day of each month for the next month preceding. No person to whom such license has been issued, shall be entitled to hunt, pursue or kill game in this state, unless at the time of such hunting, pursuing or killing of game he shall have such license in his actual possession; and he shall exhibit the same to any officer of this state, or owner, tenant or lessee of any land on which he is hunting, on demand. All such license shall be good and valid only until the end of the calendar year in which the same were issued. At the same time that such clerk issues such license to the applicant, he shall also deliver to him a tag bearing in figures the same number as his said license, which tag shall, if the license be confined to hunting in the county of the residence of the applicant, be red in color, and shall also bear the name of the county wherein it was issued; and if such license be issued to a resident of the state, entitling him to hunt in any and all counties of the state, the same shall be white in color and bear in figures the same number as his license, and the name of the county wherein the same was issued; and if such license be issued to a non-resident of the state, the same shall be blue in color, and likewise bear the same number in figures as the license, and the name of the county wherein the same was issued. The form of said license to be issued hereunder, and the said affidavits to be made by the applicant therefor, and the tags hereinbefore required to be delivered to the applicant, shall be designed and supplied to the clerk by the state forest, game and fish warden, and

such tags shall at all times be worn prominently exhibited on the arm of the licensee while hunting under the authority of said license. The carrying of any uncased gun in any of the fields or woods of this state, by any person not having the lawful right to hunt, pursue or kill game birds or animals in such fields or woods, shall, as to such person, other than the *bona fide* owner, or owners of such fields or woods, his or their child or children, tenant or tenants, lessee or lessees, be deemed *prima facie* evidence of a violation of this section; and any person claiming to hold a license to hunt in this state, having in his possession any gun or other hunting paraphernalia in such woods, or fields, shall, on failure to produce such license for inspection to any warden of this state or owner or agent of the owner of such woods and fields, on demand, or upon failure to at all times wear, as hereinbefore required, the said tag while in such woods or fields, be deemed guilty of a misdemeanor and shall be punished on conviction, as provided later in this section; *provided, however*, that any resident owner of any lands in this state, his resident child or children, or *bona fide* tenants, shall have the right, without securing any such residence license, to hunt, kill and pursue game birds or animals on such lands of which he, or they, are the *bona fide* owners or tenants, during the season when it is lawful to kill, catch or pursue such game birds or animals. All non-resident members of any club or organization owning or leasing a game preserve in this state, shall be required to secure a non-resident hunter's license. Any person violating any of the provisions of this section, shall be deemed guilty of a

misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five dollars nor more than fifty dollars for each and every offense, and the costs of the prosecution, including a fee of ten dollars to the attorney prosecuting the case, and in addition thereto may be confined in the county jail for a period not exceeding thirty days, in the discretion of the justice or court trying the case, and upon failure to pay said fine and costs, the person convicted shall be confined in the county jail until such fine and costs are paid, but such imprisonment shall not exceed twenty days for any one offense. No hunter's license shall be issued to any minor under the age of fifteen years, without the consent in writing from the parent or guardian of such minor, such consent to be filed with the clerk issuing such license and by him preserved. (Acts 1915, regular session.)

Sec. 17. Sale or transfer of license or tag—Punishment.

Any person who shall, at any time, alter or change in any manner, or loan, sell or transfer to another any license or tag provided for in this chapter, or any person who shall buy or borrow such license or tag shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty nor more than fifty dollars and in addition thereto may be confined in the county jail not more than thirty days. (Acts, 1915, regular session.)

Sec. 18. "Close season" and "close time"—"Open season" and "open time."

The words "close seasons," and "close time," shall mean the time or period during which it is unlawful

to hunt, pursue, catch, shoot, wound, trap or destroy any bird or animal, or to fish or catch any fish, and the words "open season," and "open time," shall mean the open time or period during which it shall be lawful to take these animals, birds and fish, as specified and limited by law. (Acts 1909, c. 60 Code 1913, Sec. 3479.)

Sec. 19. Game animals and game birds—What are.

For the purpose of this chapter, the following are considered game animals, to-wit: elk, deer, rabbits and squirrels. And the following shall be considered game birds, to-wit: The anatadae, commonly known as ducks, geese, swan and brant; the rallidae, commonly known as mud hens, rails, coots, and gallinules; the limicolae, commonly known as shore birds, plover, snipe, woodcock, tattlers, curlews, ortolan, sandpiper; and gallinae, commonly known as wild turkey, ruffed grouse or pheasant, quail or bob white. (Acts 1915, regular session.)

Sec. 20. Same—Buying, selling or having in possession or transporting or receiving for transportation certain animals, birds and fish—Exceptions—Punishment.

It shall be unlawful for any person to buy, sell or have in possession any of the animals, wild fowl or birds mentioned in section twenty-two of this chapter, at any time when the killing, trapping, netting and snaring of such animals, wild fowl or birds shall be unlawful, or which shall have been killed, trapped, netted or snared contrary to the provisions of this chapter; and it shall further be unlawful for any per-

son or persons, firm or corporation, at any time, to purchase or offer to purchase or to sell or expose for sale, or have in his or their possession for the purpose of selling, any quail, ruffed grouse, or pheasant, wood cock, wild turkey, wild goose, swan, brant, wild ducks of any kind, plover, snipe, sand piper, squirrel, deer or venison; trout of any species, salmon of any species, pike, bass, or silver perch or any of the birds, fish or game prohibited to be caught or killed at any time by the provisions of this chapter, and it shall be unlawful for any person or persons, firm or corporation, or common carrier, to receive for transportation, or to transport, carry or convey, any quail, ruffed grouse or pheasant, wood cock, wild turkey, wild geese, swan, brant, wild ducks of any kind, plover, snipe, sand piper, squirrel, deer or venison or game fishes, mentioned in this section that shall have been caught, snared, taken, trapped or killed at any time, within the limits of this state, knowing, or having reason to believe, the same had been sold, or to transport, carry or convey the same outside of this state for any purpose. *Provided*, that it shall be lawful to have any such game animals, birds or fishes in possession for a period not exceeding twenty days after the open season thereof is ended and the close season thereon has begun. Any person, or persons, firm or corporation, guilty of violating any of the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each and every offense, and the costs of the prosecution. And in default of the payment of such fine and costs shall be confined in the

county jail until the same is paid, not to exceed, however, the period of sixty days. The selling, exposing for sale, having in possession for sale, transporting or carrying and conveying, contrary to the provisions of this section, of each and every animal, fish or bird mentioned in this section, shall constitute a separate offense. (Acts 1909, c. 60. Code 1913, Sec. 3481.)

Sec. 21. Elk and deer—Provisions concerning hunting and killing of same—Having game birds, animals and fishes in possession for purpose of transporting outside of state—Punishment.

No person shall hunt, chase, wound or kill any elk in this state at any time for a period of eight years from and after the passage of this act; *provided*, that the owner of any elk, which shall be kept in any park or field, sufficiently inclosed to reasonably prevent their escape therefrom, shall have the right to kill any elk of his own; *provided, further*, that such owner may pursue, recapture or kill any of his elk that may escape from his inclosure. No person or persons shall chase or hunt deer with dogs in this state at any time. Any person violating any provision of this paragraph shall be guilty of a felony, and on conviction thereof shall be confined in the penitentiary not less than six months nor more than five years.

No person shall hunt, chase, kill or wound any deer from the first day of December until the fifteenth day of October following, of any year, except tame deer owned by the person killing the same; nor shall any one person kill more than two deer in any one season. No person shall at any time kill any fawn,

doe or any other deer than bucks with horns or antlers over four inches in length, or have the fresh skin of any doe or fawn in his possession. No person shall at any time kill or have in his possession, any deer, quail, pheasant or ruffed grouse, wild turkey, squirrel, or any part of the same, or game fishes with the intention of sending or transporting the same or having the same sent or transported beyond the limits of this state. Any person violating any provision of this paragraph shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than twenty-five nor more than fifty dollars for each and every deer unlawfully hunted, chased, wounded or killed, and for each doe or fawn's skin had in his possession, and not less than twenty dollars nor more than fifty dollars for each and every quail, ruffed grouse or pheasant, wild turkey, or any part of the same, for each and every game fish, and for each and every deer or part of a deer, killed or had in possession with the intention of sending or transporting the same, or having the same sent or transported beyond the limits of this state. And in addition to the fine or fines prescribed in this paragraph, the person or persons convicted may be confined in the county jail not to exceed sixty days for each and every offense; and upon default of the payment of the fine and costs shall be confined in the county jail until the same are paid, but not to exceed a period of sixty days. (Acts 1915, regular session.)

Sec. 22. Closed seasons on birds and animals—Bag limits—Punishment.

It shall be unlawful for any person to catch, kill

or injure, or pursue with the intent to catch, kill or injure, any ruffed grouse or pheasant, or wild turkey between the first day of December and the fifteenth day of October of the following year; or any quail or Virginia partridge between the first day of December and the first day of November following. Nor shall any one person kill more than twelve quail or six ruffed grouse or two wild turkeys in any one day, nor more than ninety-six quail or twenty-five ruffed grouse or six wild turkeys in any one open season. No person shall kill any wild duck, goose or brant between the fifteenth day of January and the first day of October; *provided*, that the wood duck shall not be killed at any time within this state; woodcock between the thirtieth day of November and the first day of October following; plover, ortolan or sandpiper between the fifteenth day of December and the first day of September following; rail between the thirtieth day of November and the first day of September following; or any snipe between the fifteenth day of December and the fifteenth day of October following; nor any gray, black, red or fox squirrel between the first day of December and the fifteenth day of September, both inclusive, of the following year. Nor shall any person kill more than twelve squirrels in any one day, nor more than one hundred during any open season.

It shall be lawful for any person at any time and by any means to catch, kill or pursue, with intent to catch or kill any rabbit upon his own land or any lands upon which he may be an actual *bona fide* tenant or resident, and also for the agent of the owner or tenant of such land to so hunt and kill any rabbit

thereon by the direction of such owner or tenant, but it shall be unlawful for any person otherwise than upon his own land, or the land upon which he is a resident or tenant, or the agent of such owner or tenant, by his direction, to catch, kill or injure, or pursue with intent to catch, kill or injure any rabbit between the thirty-first day of December and the fifteenth day of October following.

It shall be unlawful for any person to catch, kill or injure by means of a gun, snare, trap or poison any red fox, raccoon, mink or skunk between the first day of January and the first day of November following; *provided, however*, that it shall be lawful for any person at any time or by any means to catch, kill or pursue, any red fox, raccoon, mink or skunk upon his own lands, or on any lands upon which he may be an actual *bona fide* tenant or resident, and also for the agent of the owner or tenant of such land, to so hunt and kill any red fox, raccoon, mink, or skunk thereon by the direction of such owner or tenant, but it shall be unlawful for any person at any time to set or maintain any snare or trap upon the improved or enclosed lands of another without the express permission of the owner or tenant of such land, or at any time to set or maintain any steel or spring bear trap upon any lands not his own.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five nor more than fifty dollars for each offense, and in the discretion of the justice or court trying the case, be imprisoned in the county jail for a period not exceeding thirty days for each offense. And the

unlawful catching, killing or injuring of each and every wild game bird, or wild game animal hereinbefore mentioned in this section, shall be deemed a separate offense; and in default of the payment of the fine and costs, the person convicted shall be confined in the county jail for a period not exceeding thirty days, unless such fine and costs be sooner paid; *provided, however*, that the forest, game and fish warden or deputy wardens, or other persons, under the direction of the warden, may capture by any means any of the game birds or game animals to keep them alive for propagation purposes. And, *provided, further*, that the warden may give written permission to any responsible person, as provided by section thirty-eight of this chapter. (Acts 1915, regular session.)

Sec. 23. Use of ferrets in catching rabbits—Penalty.

It shall be unlawful for any person to have in his possession for the purpose of using, or to use a ferret for the purpose of catching rabbits or driving them from their burrows. Any person convicted of an offense under this section shall be fined not less than five nor more than twenty dollars for each offense. (As amended Acts 1897, c. 30. Code 1913, 3484.)

NOTE:—Section 26 of Chapter 14, Acts of 1915, numbered in this booklet as Section 22 repeals the above section in so far as the hunting of rabbits on one's own land, or on land on which he is a bona fide tenant or resident, or on land for which he is the agent, is concerned, and gives such person the right to catch or kill rabbits in any way on such

lands at any time. Otherwise, the above section remains in full force and effect.

Sec. 24. Protection of skunk—Penalty—Prosecution—Powers of Justices—Presumption of guilt.

It shall be unlawful for any person, at any time, to catch, kill or injure, or to pursue with intent to catch, kill or injure, the skunk or polecat, except in defense of property, in any county of this state; *provided*, that before this act shall go into effect it shall be ratified by a majority of the voters in any county of the state which desires its adoption; and upon the petition of one hundred or more voters of a county to the county court thereof the said court shall submit the question of its adoption therein to the voters of that county to be voted upon at a general election to be held therein, and shall cause to be printed upon the ballot used in such election the words. "For the skunk law," and "Against the skunk law," and if a majority of the votes cast be in favor of said law then the said court shall declare the same to be the law of that county and enter the same of record.

And in any county where this act has been adopted, as herein provided, and it is desired at any time thereafter to repeal the same, in such county, it may be done in the same manner as is provided herein for the adoption of this act.

Any person violating this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars, nor more than fifty dollars, and may, at the discretion of the court or justice trying the case, be confined in jail not more than thirty days. Any justice of the peace, for the

county in which the offense was committed, shall have concurrent jurisdiction of all offenses under this section. Any person found with any recently killed skunk or pole-cat skins in his possession shall be presumed to have killed the same. (As amended Acts 1903, c. 44. Code 1913, Sec. 3485.)

NOTE:—Section 22 does not repeal the above section, and any county may provide a perpetual closed season on the skunk by a vote as is provided in the foregoing section.

Sec. 25. Use of seine, net, bait, trap, etc., to catch certain birds.

It shall be unlawful for any person at any time to catch, by seine, net, bait, trap or snare of any kind or device, any wild turkey, ruffed grouse or pheasant or quail. (Acts 1909, c. 60. Code 1913, Sec. 3487.)

Sec. 26. Same—Punishment—Hunting, etc., on Sunday—Punishment.

It shall be unlawful to hunt, catch, kill, or injure or pursue with intent to hunt, catch, kill or injure, any wild animals or birds, or fish, on the first day of the week, commonly known as Sunday.

Any person violating any of the provisions of this section or section twenty-six hereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars nor more than twenty-five dollars, and in default of the payment of fine and costs, be committed to the county jail for a period of not more than thirty days, unless said fine and costs are sooner paid. (Acts 1909, c. 60. Code 1913, Sec. 3488.)

Sec. 27. Prosecution for violations of this chapter—To be in name of state—Jurisdiction—Fee for prosecuting attorney.

All prosecutions under this chapter shall be in the name of the State of West Virginia, before any court or justice, having jurisdiction, and the justice shall have concurrent jurisdiction with the circuit and other courts in all misdemeanors, and in any case in which the prosecuting attorney appears, a fee of ten dollars shall be allowed him, to be taxed as a part of the costs of the case, and collected off the defendant, in case he is convicted. (Acts 1909, c. 60. Code 1913, Sec. 3489.)

Sec. 28. Same—Witnesses—Privilege and competency.

Every person called as a witness in any case for the violation of any of the provisions of this chapter, shall be compelled to testify fully, but his testimony shall not be given in evidence against him in any prosecution for such offense; and no person against whom such witness shall so testify, shall be competent as a witness for the state in the prosecution against such witness for the same offense or matters to which said witness so testified nor for any violation of any provision of this chapter alleged to have been committed before the commencement of the prosecution in which he is examined as such witness. (Acts 1909, c. 60. Code 1913, Sec. 3490.)

Sec. 29. Moneys collected—Disposition of.

All moneys collected and due the state, under and by virtue of the provisions of this chapter, shall be

disposed of as follows: The net proceeds of all fines collected from convictions of the violation of any section of this chapter, shall, after the payment of the amounts fixed by this chapter to the proper deputy wardens and the costs as provided by law, be paid into and credited to the "school fund" of the state, as provided by the constitution; all other moneys due the state by virtue of any of the provisions of this chapter, as now amended, shall be paid into the state treasury and credited to the "forest, game and fish protective fund," and the same shall be applicable to the payment of the expense of inaugurating, carrying out and maintaining any and all of the purposes of this act set forth in this chapter as now amended, and of any other law relating to the protection of forests or the protection and propagation of game and fish, and shall be paid out upon the requisition of the forest, game and fish warden, approved by the governor, for which purposes said fund is hereby appropriated. (Acts 1915, regular session.)

Sec. 30. Requisitions and extradition.

In all cases where any person has been indicted for the violation of any of the provisions of this chapter, and has escaped or removed to another state, all costs of requisition and extradition papers and all other costs and expenses of securing and bringing such person back into this state, shall be charged as a part of the costs of prosecution against such person; and, if such costs of requisition and extradition papers and expenses cannot be secured from such person, they shall be paid out of the "forest, game and

fish protective fund." (Acts 1909, c. 60. Code 1913, Sec. 3492.)

Sec. 31. Killing, catching, having in possession or selling or transporting certain birds—Selling or having in possession plumage, etc., of certain birds—Game birds defined.

That no person shall within the state of West Virginia kill or catch or have in his or her possession, living or dead, any wild bird other than a game bird; or purchase, offer or expose for sale, transport for sale, transport or ship within or without the state, any such wild bird after it has been killed or caught, except as permitted by this chapter. No part of the plumage, skin or body of any bird protected by this section shall be sold or had in possession for sale, irrespective of whether said bird was captured or killed within or without the state. For the purpose of this chapter all the birds and species of birds named in section twenty-two of this chapter only shall be considered game birds. (Acts 1909, c. 60, Code 1913, Sec. 3493.)

Sec. 32. Unlawful to take nests or eggs of wild birds—Exceptions.

No person, except the game warden, or his deputies, by his direction, shall within the state of West Virginia, wantonly take or destroy, or attempt to take or destroy, the nest or the eggs of any wild bird, except that of the English or European house sparrow, owl, hawk, eagle, crow and the kingfisher, or have such nest or eggs in his possession. (Acts, 1915, regular session.)

Sec. 33. Transportation of certain birds.

No person or persons or any corporation acting as a common carrier, its officers, agents or servants, shall ship, carry, take or transport, either within or beyond the confines of the state, any resident or migratory wild non-game bird. (Acts 1909, c. 60. Code 1913, Sec. 3495.)

Sec. 34. Penalties for violations of sections 31, 32 and 33.

Any person violating sections thirty-one, thirty-two and thirty-three shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars and may be confined in the county jail at the discretion of the court or justice for a period of not more than thirty days. (Acts 1909, c. 60. Code 1913, Sec. 3496.)

Sec. 35. Taking birds, nests, or eggs for scientific purposes.

Sections thirty-two, thirty-three and thirty-four of this chapter shall not apply to any person holding a certificate giving the right to take birds, their nests, or eggs, for scientific purposes only as provided for in section thirty-seven of this chapter. (Acts 1909, c. 60. Code 1913, Sec. 3497.)

Sec. 36. Same—Certificates to collect—To and by whom issued—Fee for—Taking birds, etc., for other than scientific purposes—Forfeiture of certificate and punishment.

Certificate may be granted by the forest, game and fish warden to any properly accredited person of the

age of fifteen years or upwards, permitting the holder thereof to collect birds, their nests, or eggs for scientific purposes only; the applicant for same must present to said officer written testimonials from two well-known ornithologists who must be residents of West Virginia, certifying to the good character, and fitness of said applicant to be entrusted with such privilege; must pay said officer one dollar to defray the necessary expenses attending the granting of such certificate. On proof that the holder of such certificate has killed any bird or taken the nest of any bird for other than strictly scientific purposes, his certificate shall become void and he shall be liable to a fine not exceeding one hundred dollars or imprisonment not exceeding thirty days, or both, at the discretion of the court. (Acts 1909, c. 60. Code 1913, Sec. 3498.)

Sec. 37. Same—Certificates to collect—Expiration—Transfer.

The certificate authorized by section thirty-seven of this chapter shall expire on the thirty-first day of December of the year issued, and shall not be transferable. (Acts 1909, c. 60. Code 1913, Sec. 3499.)

Sec. 38. Birds not protected by chapter.

The English or European house sparrow, owls, hawks, eagles, crows and king fishers are not included among the birds protected by this chapter. (Acts 1909, c. 60. Code 1913, Sec. 3500.)

Sec. 39. Wild non-game birds as domestic pets.

Nothing in this chapter shall prevent a citizen of West Virginia from taking or keeping any wild non-

game bird in a cage as a domestic pet; *provided*, that such bird shall not be sold or exchanged, or offered for sale or exchange, or transported out of this state. (Acts 1909, c. 60. Code 1913, Sec. 3501.)

Sec. 40. Negligently shooting or killing human being or live stock while hunting—Punishment.

Whoever, while engaged in hunting or pursuing wild game or game birds, negligently or carelessly shoots or wounds or kills any human being, or any live stock, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not exceeding one thousand dollars, and in the discretion of the court trying the case, be confined in the county jail for a period of not exceeding one year. (Acts 1909, c. 60. Code 1913, Sec. 3502.)

Sec. 41. No open season for certain birds—Killing, etc.—Punishment.

There shall be no open season on the following named game birds: Hungarian partridge, Reeve's pheasant, English pheasant, Lady Amherst's pheasant, Chinese pheasant, caporcailzie or any other foreign game birds introduced into this state by the wardens or any person or persons, or associations. It shall be unlawful for any person to catch, kill or injure any of the species of game birds mentioned in this section. Any person violating any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than twenty-five dollars nor more than fifty dollars, and, in the discretion of the court or justice trying the case be confined in the county jail for a period of not more than sixty days; and upon default of the payment of fine and costs, he shall be confined in the

county jail not less than twenty days, unless said fine and costs are sooner paid. Each bird shall constitute a separate offense. (Acts 1909, c. 60. Code 1913, Sec. 3503.)

Sec. 42. License to fish—Of whom required—How provided—How fish may be taken—Open seasons—Lawful length of various kinds of fish—Fishing in private ponds, etc.—Unlawful to let water out of ponds, etc.—Trespass notices—Penalties for violation of section.

It shall be unlawful for any person not a citizen of the United States of America or not a *bona fide* resident of this state, or any corporation doing business in this state, to catch or destroy any of the fish in the creeks or rivers of this state, or subject to the jurisdiction thereof, without first having obtained a license so to do, and then only by the means whereby and during the respective periods when it shall be lawful so to do. Such license shall be procured in the following manner, to-wit: The applicant shall go before the clerk of the county court of some county of this state and fill out a blank application, to be provided by the forest, game and fish warden, stating his name, age, occupation, weight, height, place of residence, and color of hair, eyes and complexion; said application shall be subscribed by the applicant in ink, and sworn to by the applicant before said clerk, and shall aver that his statements made therein are true and correct to the best of his knowledge and belief; the applicant shall thereupon pay to said county clerk the sum of five dollars as a license tax. The said clerk shall thereupon issue to such applicant a

license of the form to be furnished by the said warden, entitling such applicant to catch and take fish, according to law, from any of the creeks or rivers in this state; *provided, however*, that such applicant may fill out said application and sign and swear to the same before some notary public or justice of the peace of the county wherein such application is made and send the same to said clerk, together with the amount of said license tax, and such clerk shall send him such license. Such license shall be signed by said clerk, and shall bear the seal of the county court of the county in which the same is issued and no fee shall be charged therefor by the said clerk. All such license taxes shall be paid by the said clerk to the state treasurer on the first day of each month for the month next preceding. No person to whom such license has been issued shall exercise the privilege thereby conferred without at the time having such license in his actual possession, and he shall exhibit the same on demand to any officer of this state, or owner, tenant or lessee of any land upon which such person is fishing; *provided, however*, that nothing herein contained shall be construed to require the non-resident owner of any lands in this state, or his children, to obtain such license in order to lawfully fish upon such lands.

It shall not be lawful for any person to catch or destroy any of the fish in the creeks or rivers in this state by any other means than hook and line, including a trot line having the hooks thereon not less than two feet apart. It shall not be lawful for any person to have in his possession, or to set and maintain anywhere in this state, or on any waters subject to the

jurisdiction thereof, any seines, trap or device whereby fish may be taken or caught. Nor shall it be lawful for any person to catch or have in his possession any jack salmon, commonly called jack fish, or any white salmon of less than seven inches in length, or any pike of less than eight inches in length, length, or any pike of less than ten inches in length. or any black bass of less than ten inches in length, caught out of season or caught in any manner prohibited by law. And all fish less than the length prescribed herein shall be returned to the water immediately with as little injury as possible.

And the measurement of fish shall be from the end of nose to center fork of tail. It shall be unlawful to take or destroy any jack salmon (commonly called jack fish or white salmon) in any manner, between the first day of April and the first day of July of each year; or to catch or destroy any trout or landlock salmon in any manner, between the first day of August and the first day of April following. It shall not be lawful for any person to catch any black bass, green bass, willow bass, rock bass, pike or pickerel, or wall-eyed pike (commonly known as salmon) between the first day of April and the first day of July of each year.

It shall be unlawful to catch fish of the sucker variety, known as suckers, carp, mullet and red horse, between the first day of April and the first day of July.

It shall not be lawful for any person to catch or destroy fish in any dam or pond the property of any person, except with the consent of the owner of such dam or pond, unless such dam or pond be in some

of the rivers in this state. But nothing in this chapter shall be so construed as to prevent the catching of minnows or other small fish, except salmon, bass, shad and trout, by means of hand, or cast nets, to be used for angling or scientific purposes; nor to prevent the warden of the state or his deputies or any person with their or his consent from catching any fish at any time with nets or seines for the purpose of propagation or stocking other waters, nor to prevent any person from taking in any way fish from his private dam, spring or pond at any time.

Any person who shall knowingly and willfully let the water out of any pond mentioned herein, with the intent to take or injure fish therein, shall be guilty of a misdemeanor and shall be punished, upon conviction, by imprisonment in the county jail, not less than one month nor more than six month, or by a fine of not less than fifty nor more than two hundred dollars, or by both fine and imprisonment.

The owners or those in control of lands or right in land, in or bordering upon any pond designated in this act, shall have erected and maintained in a conspicuous place along these ponds, when they are unenclosed, a sign at least a foot square and which shall have thereon the name of the party in control and the words, "Trespassers warned off under penalties of the law." Any person who shall willfully and wrongfully tear down, deface or injure the boards provided for in this section, shall be guilty of a misdemeanor and liable to a penalty as hereinafter provided.

Any person violating any provision of this section, except as otherwise herein provided, shall be guilty

of a misdemeanor, and for every conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars, and may, at the discretion of the court or justice trying the case, be confined in the county jail not exceeding thirty days. (Acts 1915, regular session.)

Sec. 43. Nets, traps, etc.—Lawful to destroy—All dams, etc., to be provided with fishways—Time allowed for completion of same—Penalties for violation of section.

It shall be lawful for any person at any time to remove or destroy any nets, traps or other devices placed in any creeks, runs or rivers within this state, and the person or persons claiming ownership or possession of such nets, seines or other devices shall have no recourse at law against the party destroying the same.

Any person violating any of the above provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of not less than ten dollars nor more than fifty dollars or be confined in the jail not exceeding thirty days.

And no person, firm or corporation shall build, erect, keep or maintain any dam or anything in any river, creek or water course in this state, which shall in any way or manner prevent or obstruct the free and easy passage of fish up or down such river, creek or other water course, without placing, building and maintaining on such dam or other thing, a good and sufficient ladder or way, so planned or built as to allow all fish to easily ascend or descend the same; and said ladder or way shall be constructed upon

plans and in a manner and at a place satisfactory to the forest, game and fish warden of the state of West Virginia. Any person, firm or corporation violating this provision shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars; and each week shall constitute a separate offense; *provided*, that any person, firm or corporation now maintaining or keeping any such dam or other thing, shall be allowed six months from the time this act shall take effect in which to comply therewith.

And it shall be the special duty of said forest, game and fish warden, upon the information of the violating of this provision, to immediately investigate the same, and cause this provision to be fully carried out. (Acts 1915, regular session.)

NOTE:—The above section became effective May 27, 1915, and all persons owning dams, etc., are therefore allowed until the 27th day of November, 1915, to complete fishways on same.

Sec. 44. Depositing matter in streams deleterious to propagation of fish—Coal mine drainage—State Board of Health to have authority to investigate—Written consent of Forest, Game and Fish Warden required before any prosecutions are instituted—Penalties—Repeal.

It shall be unlawful for any person, firm or corporation to throw, discharge or cause to enter into any stream, water-course or water in this state, saw-dust or other matter deleterious to the propagation of fish. It shall be lawful, however, to drain or cause to be drained from any mine in the state by the owner

or operator thereof the water that naturally collects in such mine and the water from any coal washery, and to discharge the same into any stream, watercourse or water in the state; *provided, however*, that any mine from which the water is so discharged or drained shall be kept in a sanitary condition and the water draining or flowing from such mine, and from such washery, shall, while in the mine and on the premises of the mine owner or operator, be kept free from pollution by human or animal excrement or substance deleterious to health. And the state board of health, its agents, employees and servants shall at all seasonable times have authority to enter upon the premises and into any such mine in order to see that the same is kept in a sanitary condition and that the waters draining therefrom are free from the objectionable substance named herein; with the right to the state board of health to prevent any mine owner or mine operator who fails to comply with the provisions of this act from draining or discharging the water or waters from his or its mine into any stream, water or water course in the state; *provided, further*, that any mine owner or operator having one suitable, convenient and sufficient outlet for the water from his or its mine into one stream shall not cause the same to be drained into any other stream.

Any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor and fined not less than twenty-five dollars nor more than one hundred dollars for each and every such offense; *provided* that no prosecution to enforce this section shall be instituted or conducted without the consent and approval of the forest, game and fish

warden, such consent to be evidenced in writing and filed and entered of record in the court or before the justice and in his docket, in which or before whom the prosecution is begun or pending.

All acts or parts of acts inconsistent or in conflict with this act are hereby repealed. (Acts 1915, second extraordinary session.)

Sec. 45. Employment of persons to unlawfully take, etc., game, birds, or fish—Serving game, birds, etc., at hotels, etc.—Punishment.

It shall be unlawful for any person, firm or corporation to employ or hire in any way directly or indirectly or by the use of money or other thing of value, to induce or persuade any other person, firm or corporation to kill, catch or deliver to such first named or any other person, firm or corporation, any deer, wild turkey, quail, pheasant or ruffed grouse, or any other wild game or wild birds, or trout, bass, salmon or any other game fish, the sale of which game or fish is prohibited by this chapter, and the serving of any such birds, game or fish killed or caught in this state by any hotel, restaurant or other licensed place where meals are furnished for pay, shall be deemed a sale of such birds, game or fish.

And it shall be unlawful for any person, firm or corporation to kill, catch or deliver for money or other thing of value, either directly or indirectly any such game, birds or fish.

Any person, firm or corporation violating this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten nor more than fifty dollars and may be confined in the

county jail at the discretion of the court or justice for a period of not exceeding thirty days, and each animal, bird or fish so served, killed, caught or delivered shall constitute a separate offense. (Acts 1909, c. 60. Code 1913, Sec. 3510.)

Sec. 46. Use of explosives, drugs, or electricity to take fish—Prima facie evidence—Punishment.

It shall be unlawful for any person to kill or attempt to kill any fish by use of dynamite or any other explosive mixture, or by the use of poisonous drug substance, bait or food, or by the use of electricity, lime or other thing of like nature. And the placing of any such article in any stream, pond or lake, shall be deemed and taken to be prima facie proof of intention to violate this section.

Any person violating this section shall be guilty of a felony, and upon conviction thereof shall be confined in the penitentiary for a period not less than six months nor more than two years, and may at the discretion of the court be fined not less than fifty nor more than two hundred dollars. (Acts 1909, c. 60. Code 1913, sec. 3511.)

Sec. 47. Sale or gift of explosives, etc., to take fish—Punishment.

It shall be unlawful for any person, firm or corporation to sell, give or furnish, directly or indirectly any dynamite or any other explosive or killing mixture or any poisonous drug, bait or food to any person, when such person, firm or corporation knows or has reason to believe that such dynamite or other explosive or killing mixture or poisonous drug, bait or food

are intended to be used for the purpose of killing fish. Any person, firm or corporation violating this section shall be guilty of a misdemeanor and upon conviction thereof, shall for each offiense, be fined not less than twenty-five nor more than one hundred dollars, and may at the discretion of the court be confined in the county jail not exceeding thirty days. (Acts 1909, c. 60. Code 1913, sec. 3512.)

Sec. 48. Shooting, hunting, fishing, fowling, camping, peeling trees, cutting timber, building fires, etc., on enclosed or improved lands of another without permission—Punishment—Arrest of violators.

It shall be unlawful for any person to shoot, hunt, fish or fowl upon the enclosed or improved lands of another person, or to camp, peel trees, cut trees or timber, build fires or do any other act or thing therein in connection with or auxiliary to shooting, hunting, fishing or fowling on the lands of another person without permission in writing from the owner, lessee or other person entitled to the possession of such lands, or the tenant or agents of such owner, lessee or person entitled to the possession thereof, duly authorized to give such written permission, and every person hunting, fishing, shooting or fowling upon such lands shall have such written permission with him when so doing.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars, and may in the discretion of the court or justice, be confined in the county jail not more than thirty days; and if any

person be convicted a third time of such offiense, he shall be confined in the county jail for a period of not less than three nor more than thirty days in addition to any fine imposed, and in all cases he shall be confined in the county jail until the fine and costs are paid; *provided*, that such time shall not exceed thirty days. It shall be lawful for the owner, lessee, or the person entitled to the possession of such lands or the agent thereof to arrest any such person found violating this section and immediately take him before a justice of the peace for trial, and such owner, lessee, person or agent, are hereby vested with all the powers and rights of a deputy game warden for such purpose; and it is hereby made the duty of the warden and all deputies to see that this section is enforced; if requested so to do by such owner, lessee, person or agent but not otherwise. (As amended Acts 1911, c. 47. Code 1913, Sec. 3513.)

Sec. 49. Shooting across public road, or near schoolhouse, or on lands of another appurtenant to or near occupied dwelling—Punishment.

It shall be unlawful for any person to shoot or discharge any fire arms in or across any public road in this state at any time or within four hundred feet of any school house, or shoot or discharge any firearms on the lands of another, on any lawn or orchard or on any pleasure ground or other ground which is directly appurtenant to or within six hundred feet of any occupied dwelling house. Any person violating this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars, or at the

discretion of the court or justice, imprisoned not more thirty days. (Acts 1909, c. 60. Code 1913, Sec. 3514.)

Sec. 50. Bounties paid for certain birds and animals—How procured—False statements to secure bounty—Punishment.

From and after the time this act shall take effect a reward or bounty shall be paid out of the "forest, game and fish protective fund" created by this act, for the killing within this state only of the following animals and predatory birds, to-wit: for each wild cat, bob-cat or catamount, the sum of five dollars; for each hawk, except the sparrow or mouse hawk, the sum of twenty-five cents; and for each great horned owl, the sum of twenty-five cents; and for each crow, the sum of ten cents; the payment of such reward or bounty may be obtained by the person killing any such bird in the following manner and not otherwise; he shall produce such killed animal or bird within thirty days from the killing thereof before a justice of the peace of the county in which such animal or bird was killed, and make an affidavit before such justice that he killed the same, stating clearly the time and place of such killing and that such place was within the state of West Virginia. Upon the production of such animal or bird, and the making of such affidavit, the said justice shall, in the presence of the party making such affidavit and at least one reputable witness residing in said county, cut off the head of such animal or bird and destroy the same by burning; and he shall not charge any fee for any service required of him hereby. Upon the destruction of such

head said justice shall endorse upon the said affidavit and sign a certificate of such fact, and deliver said affidavit to the affiant, who shall present or mail the same to the forest, fish and game warden, and he shall thereupon deliver or mail to said affiant a check for the amount of the said bounty or reward, and charge the same against the fund out of which said bounty or reward is hereby made payable; *provided, however*, that not more than ten per cent. of the amount derived from the license taxes collected in any one calender year under the provisions of this act shall be applicable to the payment of such bounties or rewards claimed during the succeeding calender year, and in the event the amount of such bounties or rewards so claimed in any calendar year should equal in the aggregate such ten per centum of such license taxes, the game warden shall immediately thereupon give notice of such fact in two papers representing two different political parties published at the seat of government, and thereafter no further bounties or rewards for any such birds killed during such calendar year shall be paid; and all claims for bounties or rewards made as aforesaid shall be paid in the order in which they are received by the forest, game and fish warden.

Any person who shall make any false statement in such affidavit, or who shall claim such reward or bounty for any such bird not killed within the state of West Virginia, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five nor more than one hundred dollars, and at the discretion of the court or justice trying the case may be confined in the county jail not

exceeding thirty days, and any justice falsely making any such certificate, as hereinbefore required, shall be deemed guilt of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than two hundred dollars, and at the discretion of the court trying the case may be confined in the county jail not exceeding sixty days. (Acts 1915, regular session.)

Sec. 51. Game refuges—Unlawful to hunt on same —Penalty.

From and after the time that this act takes effect there shall be a perpetual closed season for game of all kinds, and wild birds found upon such tracts of land in this state as may be set apart by the forest, game and fish warden as sanctuaries or refuges for game of all kinds, and wild birds, under the provisions of this act; *provided*, the said tracts of land, if wild or unimproved land, shall be surrounded by a well defined fire line or cleared strip of land, and by at least one wire extending around the boundary thereof, and whether it be such wild land, or improved or cultivated land, the same shall be surrounded with notices, reading: "State Game Refuge. Hunting is Unlawful," posted on said boundary at conspicuous places; and *provided, further*, that the combined area of such tracts of land in any one county shall not exceed ten thousand acres; and for the purpose of creating such state game sanctuaries or refuges, the forest, game and fish warden is authorized to secure supervisory control of any tracts of land which he may deem suitable for such purpose, and to prohibit all hunting thereon, and provide

for the placing of game and wild birds thereon, for the purpose of breeding and propagating the same, and protecting them from injury or molestation from any person, or predatory animal or bird.

Any person who shall by any means hunt, kill, injure, disturb or molest any game or wild birds found upon such tract of land otherwise than by the direction of the forest, fish and game warden for the purpose of destroying such predatory animal or bird as is not protected by this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five nor more than one hundred dollars, and at the discretion of the court or justice trying the case may be imprisoned in the county jail not exceeding thirty days. (Acts 1915, regular session.)

Sec. 52. Forest, Game and Fish Warden to be ex-officio fire Warden—Forester—Duties—Special Deputies and Inspectors—Special Deputy Fire Wardens —Powers and duties.

The forest, game and fish wardens shall be *ex-officio* fire wardens of the state of West Virginia, and shall appoint some suitable person of sufficient education, training and practical experience in forestry, as state forester, who shall work under the direction of the forest, game and fish warden, and assist him in formulating the best methods of reforesting cut over and denuded lands, preventing the destruction of forests by fire, administering the forests on forestry principles, instruction and encouraging private owners in preserving and growing timber for commercial and manufacturing purposes, establishing, equipping

and maintaining patrol routes and lookout stations, and securing the aid and co-operation of individuals, companies, organizations and the federal government.

Before entering upon the discharge of his duties, the said state forester shall execute a bond in the penalty of three thousand five hundred dollars, with surety therein, to be approved by the forest, game and fish warden, and conditioned for the faithful performance of his duties, and to account for and pay over all moneys coming into his hands due and belonging to the state, and also conditioned according to the requirements of the present law, with reference to the carrying of revolvers, which said bond, after having been approved by the warden, shall be deposited with the auditor.

All deputy forest, game and fish wardens shall also be deputy fire wardens for their respective counties in which they may reside, and shall have jurisdiction in the adjoining counties thereto in case of emergency or where their services may be required.

The forest, game and fish warden may also appoint such special deputies and inspectors as is necessary to meet the conditions and requirements of the federal government in securing federal co-operation under the provisions of the Weeks' law, and may appoint special deputy fire wardens for each county, whose duty it shall be to assist in preventing and controlling forest fires, who shall be vested with the same authority with regard to such fires and be paid in the same manner as is provided for the deputy forest, game and fish wardens.

In case of fire in or threatening to forest or woodlands, the deputy fire wardens, shall upon receiving

notice thereof, forthwith attend and use all necessary means to confine and extinguish the same. He may destroy fences, plough land, or, in an emergency, set back fires to check fire. He may hire volunteers or summon any resident of his county to assist in putting out fires. Any person summoned, who is physically able, and refuses to assist, shall be guilty of a misdemeanor, and upon conviction thereof, be fined not less than ten, nor more than fifty dollars, and in the discretion of the court or justice trying the case, be confined in the county jail for a period of not more than sixty days; and upon the default of the payment of fine and costs, he shall be confined in the county jail for not less than twenty, nor more than thirty days, unless said fine and costs are sooner paid.

An action of trespass shall not lie against persons crossing or working upon lands of another to extinguish fire. (Acts 1915, regular session.)

Sec. 53. Deputy wardens compensation at forest fires—To be charge against county—Forest, Game and Fish Warden to audit report of forest fires—Submittment to county court for payment—Penalty for false report as to forest fires.

Deputy wardens shall receive the sum of two dollars per day for the time actually employed at forest fires, and all persons employed or summoned by them, not to exceed the sum of one dollar and fifty cents per day for their services. All services so rendered shall be a charge against the county, and each deputy warden shall within twenty days after such fire render to the forest, game and fish warden a sworn report, in duplicate, giving the location and area

burned over, the quantity of timber, wood, logs, bark or other forest product, and of fences, bridges and buildings destroyed, with an estimate of the value thereof, the time used by him, the names and post-office address of all persons hired or summoned by him, who assisted him thereat, together with the time each worked.

Any deputy warden who shall make any false statement in his said report, hereinbefore required to be made to the forest, game and fish warden, as to the time used by him, the names of the persons so hired or summoned by him, and who assisted him in fighting such fire, or as to the time of any such person working thereat, shall be guilty of a misdemeanor, and upon conviction thereof, be fined not less than twenty-five nor more than one hundred dollars, and for such cause shall be removed from office by the said forest, game and fish warden.

It shall be the duty of the forest, game and fish warden to carefully audit such report, and after having satisfied himself of the correctness of same, he shall approve said report and certify same to the county court of the county wherein the fire occurred for payment, which amounts shall be paid to the parties entitled thereto out of the county funds, at the first session of said court thereafter. (Acts 1915, regular session.)

Sec. 54. Negligent building or use of, or failure to extinguish fire—Punishment—Notice to adjoining land owners of intention to burn brush, etc.

Whoever by himself, or by his servants, agents or guide, or as the servant, agent or guide of any other

person, shall build any fire, or use an abandoned fire in a field, public or private road, or adjacent to, or in any woods or forest in this state, shall, before leaving such fire, totally extinguish the same, and upon failure to do so, if failure to do so shall cause damage to any property within, such person or persons, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars and the costs of the prosecution, and upon default in paying said fine and costs, shall be confined in the county jail not more than ninety days unless said fine and costs be sooner paid. If any person, or persons, negligently set on fire, any woods, fields or lands within this state, so as thereby to occasion loss, damage or injury to any other person, he shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than fifty dollars nor more than five hundred dollars, and in the discretion of the justice or court trying the case, be imprisoned in the county jail not to exceed one year. If any person unlawfully and maliciously set fire to any woods, fence, grass, straw or other inflammable material which may spread fire on lands, he shall be guilty of a felony, and on conviction thereof shall be confined in the penitentiary not less than one year nor more than two years, and shall moreover be liable to any person injured thereby, or in consequence thereof, for double the amount of damages sustained by such person.

It shall be unlawful for any person or corporation as land owner to set, or procure another to set fire

to any woods, brush, logs, leaves, grass or clearing upon their own land, unless they shall have previously given notice of their intention of firing such lands, to adjoining land owners and take all possible care and precaution against the spread of such fire to other lands not their own, by previously having cut and piled the same, or carefully cleared around the land which is to be burned, so as to prevent the spread of such fire. The setting of fire contrary to the provisions of this section, or allowing it to escape to the injury of adjoining lands, shall be *prima facie* proof of willfulness, or neglect, and the land owner from whose land the fire originated shall be liable in a civil action for damages for the injury resulting from such fire and also for the cost of fighting and extinguishing the same. (Acts 1915, regular session.)

Sec. 55. Removal of inflammable material from railroad rights of way—Spark extinguishers on engines—Prevention of escape of fire from engine ash pans and furnaces—Punishment for violation of section.

Every railroad company shall, on such part of its road as passes through forest land or lands subject to fires from any cause, cut and remove from its right of way along such lands, at least twice a year, all grass, brush and other inflammable materials, and employ in seasons of drought and before vegetation has revived in the spring, sufficient trackmen to promptly put out fires on its right of way and every person, firm or corporation operating any locomotive steam engine in this state shall provide the same with

netting of steel or iron wire so constructed and at all such times maintained as to prevent the escape of fire and sparks from the smoke stacks thereof, and with adequate devices to prevent the escape of fire from ash pans and furnaces which shall be used on such locomotives.

No railroad company or employee thereof shall deposit fire coals or ashes on its track or right of way near such lands. In case of fire on its own or neighboring lands, the railroad company shall use all practicable means to put it out. Engineers, conductors or trainmen discovering or knowing of fires in fences or other material along or near the right of way of the railroad in such lands shall report the same at the first station to the station agent, and such station agent shall forthwith notify the nearest fire warden and use all necessary means to extinguish the same. And any railroad company or officer, or employee thereof, and any person, firm or corporation operating any such locomotive steam engine who shall violate any provision of this section, shall each be guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not less than twenty nor more than two hundred dollars. (Acts 1915, regular session.)

Sec. 56. Forest fires—Recovery of expense of extinguishment—Recovery of damages.

The forest, game and fish warden in the name of the county in which any forest fire has occurred, and which has been extinguished or suppressed by his efforts, shall recover from the person or persons, firm or corporation, giving origin to such fire, the

amount so expended in extinguishing said fire and the costs thereof, and the same shall not bar the rights of damage between the parties thereto. (Acts 1915, regular session.)

Sec. 57. State Forest reserves.

The forest, game and fish warden, by and with the consent of the governor, shall have the power to purchase lands in the name of the state, suitable for forest culture and reserves, at a price which shall not exceed five dollars per acre, using for such purchase any surplus money not otherwise appropriated which may be standing to the credit of the forest, game and fish protective fund; and to make all rules and regulations governing state reserves; and is hereby authorized, by and with the consent of the governor, to accept gifts of land to the state, the same to be held, protected and administered by the forest, game and fish warden as state forest reserves, and to be used so as to demonstrate the practical utility of timber culture and as a breeding place for game. Such gifts must be absolute, except for the reservation of all mineral and mining rights over and under said lands, and a stipulation that they shall be administered as state forest reserves, and the attorney general of the state is directed to see that all deeds to the state of lands mentioned above are properly executed before the gift is accepted. (Acts 1915, regular session.)

Sec. 58. Maliciously setting fire to woods, fences, etc.—Punishment—Liability for damages.

If any person unlawfully and maliciously set fire to

any woods, fence, grass, straw or other thing capable of spreading fire on lands, he shall be fined not exceeding one hundred dollars, and confined in jail not less than two nor more than twelve months, and shall moreover be liable to any person injured thereby, or in consequence thereof, for double the amount of damages sustained by such person. (Acts 1882, c. 148. Code 1913, Sec. 5199.)

Sec. 59. Unlawfully setting fire to woods, fences, etc.—Punishment—Liability for damages.

If any of the acts mentioned in the next preceding section be done unlawfully but not wilfully or maliciously, the person guilty thereof shall be fined not exceeding fifty dollars, and shall moreover be liable to any person injured thereby, or in consequence thereof, for all such damages as may be sustained by such person. (Acts 1882, c. 148. Code 1913, Sec. 5200.)

APPENDIX

Lacey Bird Law. (Federal.)

Weeks-McLean Law. (Federal.)

Open Seasons under Weeks-McLean Law. (Federal.)

General Information on Forest, Game and Fish Laws.

APPENDIX

FEDERAL LAW

(Lacey Act.)

(From the Criminal Code of the United States.)

Sec. 241. The importation into the United States, or any Territory or District thereof, of the mongoose, the so-called "flying foxes" or fruit bats, the English sparrow, the starling, and such other birds and animals as the Secretary of Agriculture may from time to time declare to be injurious to the interests of agriculture or horticulture, is hereby prohibited; and all such birds and animals shall upon arrival at any port of the United States be destroyed or returned at the expense of the owner. No person shall import into the United States or into any Territory or District thereof, any foreign wild animal or bird, except under special permit from the Secretary of Agriculture; *Provided*, That nothing in this section shall restrict the importation of natural history specimens for museums or scientific collections, or of certain cage birds, such as domesticated canaries, parrots, or such other birds as the Secretary of Agriculture may designate. The Secretary of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this section.

Sec. 242. It shall be unlawful for any person to deliver to any common carrier for transportation, or for any common carrier to transport from any State, Territory or District of the United States, to any other State, Territory, or District thereof any foreign animals or birds, the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds, where such animals or birds have been killed or shipped in violation of the laws of the State, Territory, or District in which the same were killed, or from which they were shipped; *Provided*, That nothing herein shall prevent the transportation of any dead birds or animals killed during the season when the same may be lawful captured, and the export of which is not prohibited by law in the State, Territory, or District in which the same are captured or killed: *Provided further*, That nothing herein shall prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowls.

Sec. 243. All packages containing the dead bodies, or the plumage or parts thereof, of game animals, or game or other wild birds, when shipped in interstate or foreign commerce, shall be plainly and clearly marked, so that the name and address of the shipper, and the nature of the contents, may be readily ascertained on an inspection of the outside of such package.

Sec. 244. For each evasion or violation of any provision of the three sections last preceding, the shipper shall be fined not more than two hundred dollars; the consignee knowingly receiving such articles so shipped and transported in violation of

said sections shall be fined not more than two hundred dollars, and the carrier knowingly carrying or transporting the same in violation of said sections shall be fined not more than two hundred dollars.

Federal Law for the Protection of Migratory Birds

(Weeks-McLean Law.)

(Extract from an Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and fourteen.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, All wild geese, wild swans, brant, wild ducks, snipe, plover, woodcock, rail, wild pigeons, and all other migratory game and insectivorous birds which in their northern and southern migrations pass through or do not remain permanently the entire year within the borders of any State or Territory, shall hereafter be deemed to be within the custody and protection of the Government of the United States, and shall not be destroyed or taken contrary to regulations hereinafter provided therefor.

The Department of Agriculture is hereby authorized and directed to adopt suitable regulations to give effect to the previous paragraph by prescribing and fixing closed seasons, having due regard to the zones of tempature, breeding habits, and times and line of migratory flight, thereby enabling the department to select and designate suitable districts for different portions of the country, and it shall be unlawful to

shoot or by any device kill or seize and capture migratory birds within the protection of this law during said closed seasons and any person who shall violate any of the provisions or regulations of this law for the protection of migratory birds shall be guilty of a misdemeanor and shall be fined not more than $100 or imprisoned not more than ninety days, or both, in the discretion of the court.

The Department of Agriculture, after the preparation of said regulations, shall cause the same to be made public, and shall allow a period of three months in which said regulations may be examined and considered before final adoption, permitting, when deemed proper, public hearings thereon, and after final adoption shall cause the same to be engrossed and submitted to the President of the United States for approval: *Provided, however*, That nothing herein contained shall be deemed to affect or interfere with the local laws of the States and Territories for the protection of nonmigratory game or other birds resident and breeding within their borders, nor to prevent the States and Territories from enacting laws and regulations to promote and render efficient the regulations of the Department of Agriculture provided under this statute.

There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated for the purpose of carrying out these provisions, the sum of $10,000.

Approved, March 4, 1913.

Federal Protection of certain Migratory Birds in West Virginia as adopted by the U. S. Department of Agriculture under the Weeks-McLean Law.

OPEN SEASONS

Effective October 1, 1914.

Ducks and Geese.....Oct. 1 to Jan. 16.
Rails.....Sept 1 to Dec. 1.
Woodcock.....Oct. 1 to Dec. 1.
Black-breasted and Golden Plover,
greater and lesser yellow legs.....Sept. 1 to Dec. 16.
Jacksnipe or Wilson Snipe.....Oct. 15 to Dec. 16.
Wood Duck, Closed season until Sept. 1, 1918.
All hunting prohibited on Sunday.
All hunting of migratory birds between sunset and sunrise prohibited.

Synopsis of Game and Fish Laws

You cannot hunt, fish or fowl upon the enclosed or improved lands of another, without permission in writing from the owner or his agent.

The carrying of any uncased gun in the woods or fields of this State by any person not having the lawful right to hunt shall be *prima facie* evidence of a violation of the law.

It is a violation to alter or change in any manner, or to borrow, loan, sell or transfer any hunting or fishing license.

It is unlawful to have in your possession, with the intention of transporting same or having same transported beyond the limits of the State, any game animals, (except rabbits) game fish or game birds.

It is a felony to chase, pursue, kill or injure any Elk, or to chase any deer with dogs.

It is unlawful to hunt, or fish on Sunday.

There is no open season on the following game birds; Hungarian partridge, Reeve's pheasant, English pheasant, Lady Amherst pheasant, Chinese pheasant, caporcailzie or any foreign game bird.

The English sparrow, owls, hawks, eagles, crows and King fishers may be killed at any time.

It is unlawful to catch or kill any wild non-game bird protected by the laws of this state, or to take or destroy the nests or eggs of any wild bird other than a game bird, or have same in your possession, except as provided by law.

A fine of $1,000 and a jail sentence may be imposed upon you if you negligently or carelessly wound or kill any human being or live stock while hunting.

You cannot sell or buy any game animals, game birds or game fish.

You cannot shoot or discharge any fire arms in or across any public road, or within four hundred feet of any school house or on the lands of another, or any lawn or orchard or on any pleasure ground or other ground which is directly appurtenant to or within six hundred feet of an occupied dwelling house.

It is unlawful to have in possession, set or maintained anywhere in this state, or on any water

subject to the jurisdiction thereof, any seine, trap or device whereby fish may be taken or caught, or to catch any fish except by hook and line, or with trot line the hooks on which are at least two feet apart.

It is unlawful at any time to set any snare or trap on the enclosed or improved lands of another, without the express permission of the owner or tenant of such land. It is unlawful at any time to set or maintain any steel or spring bear trap on the lands of another.

You cannot at any time catch by seine, net, bait trap or snare, of any kind or device, any wild turkey, ruffed grouse, pheasant or quail.

The rabbit, red fox, raccoon, mink and skunk may be killed by the property owner, his bona fide tenant or agent, on his own premises at any time in any way.

You cannot kill more than 12 quail, 6 ruffed grouse, 2 wild turkeys, or 12 squirrels in a day, or more than 96 quail, 25 ruffed grouse, 6 wild turkeys or one hundred squirrels in a season, or catch more than 25 bass, or 25 trout in one day.

You cannot hunt the various birds and animals, or catch any fish except during the respective open seasons which are as follows:

Animals:

Deer, (with horns over four inches long) October 15 to December 1, Squirrel, (gray, black, red and fox) September 15 to December 1, Rabbit, (except as provided above) October 15 to January 1. Red fox, rac-

coon, mink and skunk, (except as noted above) November 1 to January 1.

Birds:

Quail, (Virginia Partridge) November 1 to December 1. Pheasant,(Ruffed Grouse),Wild Turkey, October 15 to December 1. Wild duck, goose or brant, October 1 to January 16. Woodcock, October 1 to December 1. Plover, ortolan or sandpiper, September 1 to December 16. Rail, September 1 to December 1. Snipe, October 15 to December 16.

Fish:

Trout or land-lock salmon, April 1 to August 1. Suckers, carp, mullet, red horse and jack-salmon (commonly called jack-fish or white salmon), July 1 to April 1, following.

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ERRATA.

The following corrections are necessary to make this pamplet complete:

Sec. 10, line 5, immediately after word "shipped" insert "or about to be shipped."

Sec. 20, line 3, "twenty-two" should be "nineteen."

Sec. 22, last two lines, "Thirty-eight should be "thirty-six."

Sec. 24, fourth line from bottom, immediately after word "section" insert "with the circuit court of the county."

Sec. 26, line 6, "twenty-six" should be "twenty-five."

Sec. 31, lines 4 and 5, strike out "transport for sale."

Sec. 31, line 13, "twenty-two" should be "nineteen."

Sec. 34, line four, immediately after word "ten" insert "nor more than fifty."

Sec. 35, line one should read "Sections thirty-one, thirty-two and thirty-three."

Sec. 35, line five, "thirty-seven" should read "thirty-six."

Sec. 37, line 1, "thirty-seven" should be "thirty-six."

Sec. 41, between lines 7 and 8 insert "or pursue with intent to catch, kill or injure."

Sec. 42, strike out lines 7 and 8 on page 40, and insert "or any black bass of less than eight inches in length, or any trout less than six inches in length, or any fish."

Sec. 45, line 2, after word "hire" insert word "or."

Sec. 45, line 9, after second word game insert "birds."

Page 69, fourth paragraph strike out words "or catch more than 25 bass, or 25 trout in one day."